



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 30 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mitch Schwartz
Buckeye Recycling Corp.
3483 East Fulton Avenue
Columbus, Ohio 43227

Re: Finding of Violation
Buckeye Recycling Corp.
Columbus, Ohio

Dear Mr. Schwartz:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Buckeye Recycling Corp. (you). We find that you have violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, specifically the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F, at your Columbus, Ohio facility. EPA promulgated these regulations as required by Section 608 of the CAA, 42 U.S.C. § 7671g.

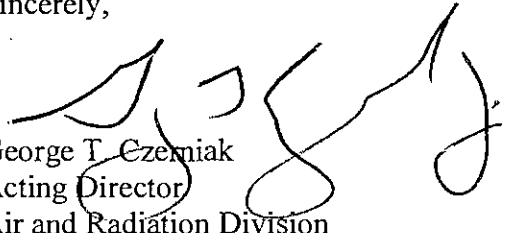
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Natalie Topinka. You may call her at 312-886-3853 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Acting Director
Air and Radiation Division

Enclosure: SBREFA fact sheet

cc: Isaac Robinson, OEPA

IN THE MATTER OF:

FINDING OF VIOLATION

EPA-5-12-OH-16

1. In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. The purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a).
2. Under 40 C.F.R. § 82.156(f), persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required to either:
 - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156(g) or (h); or
 - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must include a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliance or shipment of appliances in accordance with 40 C.F.R. § 82.156(g) or (h). This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f)(2). Any signed statements must be maintained on-site for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).

Factual Background

3. Buckeye owns and operates a scrap metal recycling facility (the facility) at 3483 East Fulton Avenue, Columbus, Ohio.
4. On September 22, 2011, EPA conducted an inspection of the facility. During the inspection, Mr. Mitch Schwartz, a representative of Buckeye, stated that the facility had accepted air conditioner coils and compressors for recycling prior to April 2011.
5. On October 28, 2011, under Section 114 of the CAA, 42 U.S.C. § 7414, EPA sent a Request for Information to Buckeye seeking information about the facility's compliance with the CAA. On December 5, 2011, Buckeye submitted a response to EPA.
6. On December 23, 2011, EPA sent a second Request for Information to Buckeye seeking information about the facility's compliance with the CAA. On February 13, 2012, Buckeye submitted a response to EPA.
7. In its December 5, 2011 and February 13, 2012 responses, Buckeye stated that it accepts for recycling at the facility appliance components that once contained refrigerant. In its December 5, 2011 response, Buckeye stated that it had accepted such appliance components for recycling within the past 12 months.
8. In its December 5, 2011 response, Buckeye stated that it does not recover refrigerant from appliance components that are brought to the facility.
9. In its December 5, 2011 response, Buckeye indicated that it did not have contracts with or require written statements from its suppliers verifying that all refrigerant had been properly recovered prior to delivery of the appliance components to the facility.

Finding of Violations

10. For the above reasons, EPA finds that Buckeye has violated 40 C.F.R. § 82.156(f) by failing to recover refrigerant from appliances or to verify that refrigerant had been recovered from appliances prior to accepting them for recycling.

Date

5/30/12

George T. Czerniak
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-12-OH-16, by Certified Mail, Return Receipt Requested, to:

Mitch Schwartz
Buckeye Recycling Corp.
3483 East Fulton Avenue
Columbus, OH 43227

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Isaac Robinson III, Manager
Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

On the 4 day of June, 2012

Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009-1680-0000-7667-5253